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Hastings Law News

October 26, 1973

SPECIAL ISSUE

MORATORIUM!

STUDENT NON-ATTENDANCE
OF CLASSES URGED
IN PROTEST OF RECENT
NIXON ACTIONS

On Tuesday, October 23rd, a general meeting of the Hastings community was called by ASH President Jess Garcia. The meeting attended by over 200 students produced a resolution calling for an all-day moratorium Friday, October 26th.

The moratorium proposal, passed by the ASH council members and then by the general body attending the meeting, calls for the substitution of class attendance for the following activity:

first, Friday morning 10:00 a.m. a teach-in, discussion groups, ad hoc committee organizational meetings, i.e., general educational session.

second, Friday at 12:00 noon, marching on and picketing the Federal Building.

The first issue addressed to the student organizers of the general meeting concerned what effect Nixon's handing over the "tapes" to Judge Sirica would

have on the impeachment movement. Jess Garcia and Chris Brose conceded that the giving of the tapes might ease some of the pressure for impeachment, but the firing of Cox and other related events show Nixon's general attitude--an attitude reflecting the desire to impede the investigation and prosecution of the Watergate affair. This above-the-law attitude should be enough impetus for students to actively support impeachment proceedings.

Garcia conducted the gathering both as an ASH meeting and a general meeting of interested students. Discussion at the meeting centered around these points:

Tom Holsinger: media involvement is very important to the process of political articulation.

George Spanos: a good suggestion would be sending a Hastings professor to Washington to give the impeachment petitions to an important member of Congress.

Mike Malone: less than an all-day moratorium to protest the

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DEAN ANDERSON CALLS FOR FORUMS

As a private citizen and a member of the legal profession, I share the deep concern of every individual student and faculty member concerning the grave Constitutional and legal problems precipitated by recent events.

As lawyers, students and scholars we have the responsibility to inform ourselves as fully as possible and to deal dispassionately and as objectively as possible with the grave problems now confronting us. We will do a grave disservice to ourselves and this Country if we fail to do otherwise.

I am therefore suggesting that a series of educational forums in which faculty members and students participate in a discussion of the Constitutional and legal aspects of the case. These forums will be held at various times and at free hours in various classrooms. A number of faculty members and students have indicated their interest in participating.

A list of classrooms and hours will be made available for such forums.



Prof. Sullivan: POLITICS, NOT LAW

by Mike Freed

Q. Professor, what constitutional issues if any, are involved in the removal of Special Prosecutor Cox?

A. There are no constitutional issues involved, only political. Mr. Cox was an employee of the Executive branch and in this case there is no statutory authority limiting the President's power to hire and fire. The removal of Mr. Cox, however, was shocking to me. It represented highly irresponsible action on the part of the President.

Q. How about the "Watergate Tapes," are there constitutional issues involved here?

A. Yes, but they have been decided. The President claimed executive privilege with regards to complying with the subpoena, but Judge Sirica's decision, which is now final, decided that issue against him. The only question left then was the political one, whether the President would comply or risk being impeached. He has apparently now complied.

Q. If the President were to be impeached and put on trial before the Senate, who would decide what conduct constitutes, "Treason, Bribery, or other high Crimes and Misdemeanors"?

A. It is clear that the impeachment of the President is "textually committed" to the Congressional branch of the government by the constitution. In this context it would appear that the House and the Senate have the sole authority, unreviewable by the courts, to decide what constitutes an impeachable offense resulting in removal from office.

There are those who would argue that under Powell v. McCormick, although Congress alone may impeach and remove the President, its actions must be based on constitutional grounds and this issue would be reviewable by the courts. In Powell v. McCormick, the U.S. Supreme Court decided that although the House of Representatives is given the power by the constitution to determine the qualifications of its members, it could not exclude Mr. Powell for unconstitutional reasons. Personally, I don't think this is authority on the issue of impeachment.

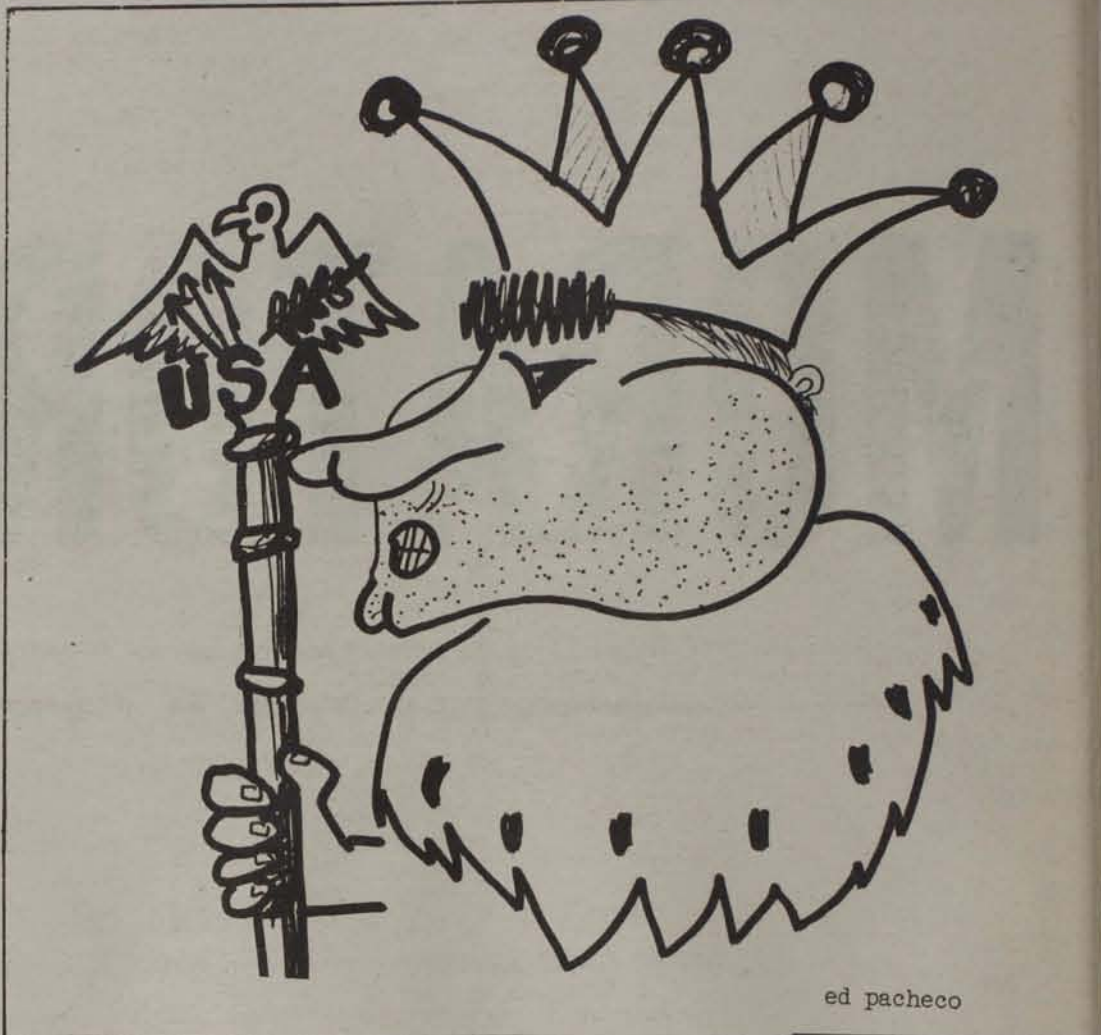
CAN 61% BE WRONG?

by Terry Redmond

Never having been a politician to command much credibility, Nixon outdid himself this time. After telling the public and Congress that Cox would have a free hand, Nixon "cut it off" when the special prosecutor "went too far". After proclaiming to the American public that the Watergate scandal and other corruption in his administration should be left to the courts, he decided that might not have been such a wise course in view of his lack of success in the judiciary.

Now Nixon's unprincipled world of "true believers" may be coming to an end. Unfortunately, only some of the once-mighty silent majority wish to speak out.

The demise of the executive branch and the shredding of the Justice Department have not been sufficient provocation for Hastings to take a stand. After all, this is a law school and politics are not our concern. Thirty-five years ago, the professionals of another highly civilized nation played the same game and lost.



Over the years, Nixon has continuously preached virtue, and practiced deception. From the falsification of military reports on the clandestine bombing of Cambodia, the obstructed FBI investigation of laundered Nixon campaign funds, his implementation of a scheme suspending the fourth amendment rights of any citizen under Nixon's suspicion, to his famous secret "peacewithhonor" plan which had a striking resemblance to McGovern's public proposal of withdrawal, Nixon's lack of credibility is even greater than his predecessor's.

Nixon's record as a judge of competent public servants stands alone and preferably downwind. It took him six appointments to fill four vacancies in the Supreme Court. His vice-presidential choice proved to be a common crook, although one with more arrogance than most. The Haldeman-Erlichman gang proved to be loyal to the end, loyalty being the only quality Nixon has ever valued.

Not to voice protest in an alleged representative democracy is to sanction the actions of the leaders of that democracy. If the clandestine bombing of thousands of people over a period of two years reflects your idea of national goals, then Nixon's the one. If the suspension of your fourth and fifth amendment rights is your desire, then Nixon's the one. If the belief that blind loyalty to the "team" is your idea of personal integrity, then Nixon's the one. If blatant assaults on your right of free speech is your bag, then Nixon's the one. But if a conservative like Barry Goldwater can publicly liken Nixon's two most powerful appointees (Haldeman and Erlichman) to the Gestapo, perhaps it is time for a change. Now, more than ever!



NOTICE!! Person or persons who wrote limericks on chalkboard in classroom G, last Thursday, Oct. 18,

please contact the Law News office at 55 Hyde St. WE NEED YOU!

VIEW POINT: Impeachment?

by Jon Ellingson

As the focus of our attention is abruptly and repeatedly changed by the actions of the President, it is perhaps useful to step back from the immediacy of the events of the past week.

The tapes sought by the special prosecutor will now be turned over to Judge Sirica. The President has complied with the order of August 29. Does this fact allow us to conclude that we may finally turn away from Watergate and get on with other pressing matters confronting the nation? Can we, as Governor Reagan suggests, now be satisfied in the integrity of the executive branch of the government?

Sadly, the answer is that we cannot.

We are all familiar with the grounds for the removal of a President from office. Article 2, section 4 of the Constitution lists them: "Treason, Bribery, or other High Crimes and Misdemeanors." In an impeachment proceeding, the House of Representatives acts as a Grand Jury to determine if there is probable cause to hold the President answerable to the charges before the Senate. The House acts by a majority vote. The Senate will convict on a two-thirds vote.

Had the President refused to release the tapes, he would have been in contempt of court and impeachable on that basis. Compliance with the court order has eliminated that grounds for impeachment. But the doubt still remains.

The President may have been criminally involved in either the planning of the Watergate operation or the coverup. In addition new information is coming to light as to questionable connections between Mr. Nixon, Bebe Rebozo, and Howard Hughes. The financing of San Clemente and Key Biscayne estates remains unclear. And the relationship between the import quota ruling favorable to the milk producing industry and the two million dollar campaign donation which preceded the ruling by two weeks has yet to be explained.

Any one of these areas may constitute grounds upon which the President could properly be removed from office. Reasonable men must ask for explanations. Compliance with the court order on the tapes has not limited these other areas of doubt.

The President has said that America must not "wallow in Watergate"—there are more important issues to which we must turn.

I respectfully disagree. There is no business which presently confronts the nation that is more important than finding out if the man who is our President is a criminal. All other matters pale in importance when compared to the task of establishing, by affirmative investigation and action, that we are governed by men who respect the law.

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RIGHT ON!



by William E. Boyd

Students urging others to sign an "Impeachment Petition" do so on the grounds that you have "breached the public trust": such an argument is ludicrous, even for a first-year law student. Your actions may have been intemperate and unwise, but impeachable offenses—never.

The firing of Archibald Cox was unquestionably within your power as the head of the executive branch of which he was an employee. It may have showed a definite lack of judgment on your part, but it's surely not a high crime or misdemeanor.

You have now complied with Judge Sirica's order to release the tapes. You have also granted the Senate Watergate Committee the right to a summary of the tapes with only the extraneous comments to be edited. Senator Stennis, a Democrat and former judge, is to confirm whether the summary is an exact one. You have complied with every legal requirement asked of you.

The end result is that no impeachable offense has been committed. At worst you're guilty of incredibly poor judgment, but this does not justify the deluge of rhetoric being issued by Hastings students and some supposedly learned members of the faculty.

Richard Nixon, you must resign. But you must not allow a Carl Albert or any other McGovern supporter to become the next president. Republicans worked too hard against the ideas those persons stood behind. The efforts must not go to waste.

Richard Nixon—please explain why? What is it that drives you to do what you do? I voted for you, walked precincts for you, and even gave money to you in 1972 yet you're letting me down.

Over 60% of those who voted last year felt that you and the platform you ran on were what this country needed. Even knowing what I do today, I wouldn't change my vote.

But, Richard Nixon, you should resign. Your masterful conduct of foreign affairs is a high point in our nation's history, but your ability to govern this country has been so impaired that you have no other choice.

However, we are not willing to give up what we accomplished by your re-election. We returned to the executive branch of government men who stood for certain philosophical ideals and against the nonsensical idiocies of the opposing candidate. If you can't carry on those ideals, then someone else should.

Gerald Ford can be that someone else. He stands squarely behind the Republican platform of 1972. Your resignation should be conditioned upon the confirmation of Representative Ford as Vice-President. The public could then be assured that the mandate of the 1972 election would be continued.

Resignation is a strong action and one to be viewed with great caution. But there is no other choice. Any person in a like position in the corporate world who surrounded himself with as many people of questionable integrity as you did would surely be forced to resign. It should not make a difference that your "company" is the United States.

A hue and cry has been raised for your impeachment. Even knowledgeable people in positions of importance are demanding it. Some are trying to achieve by other means what they couldn't do at the ballot box. Others are so bewildered and enraged that they've taken refuge in such rash talk. This is not the solution.

Article II, Section 4 of the Constitution states that the President "shall be removed from office on Impeachment for, and conviction of Treason, Bribery, or other high crimes and misdemeanors." Up to now none of your actions would fit such a definition.

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President's actions would be too little in light of the gravity of the situation.

Clark Cavin: Trashing and picketing is childish. This process did not stop the Viet Nam war. What we need is an organized effort to get out to the people to convince them of the wrongness of the President's activity.

Steve Shane: Hastings needs an organized group to carry out effective steps to impeach Nixon. An organized group could officially collect money, apply for meeting rooms at Hastings, etc. Shane called on the students attending the meeting to become charter members in such a group.

Terry Redmond: concerning the second part of Andi Martin's moratorium proposal, why picket the Federal Building? Student response: the Federal Building is the closest symbol of the Nixon Administration's authority. In addition, it is location of the regional offices of Bay Area Congressmen.

Rob Lawlor

VIEWPOINT

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For this reason, Congress must re-establish a special prosecutor charged with the duty to investigate all matters relating to the 1972 campaign and any other areas of criminal activity which may involve the President. Only an independent investigation can establish the innocence of the President. And if the investigation discloses evidence of criminal conduct by the President, then Mr. Nixon must be removed from office. We have a duty as citizens to demand this much from our government.

ART ISSUE: There will be a meeting of all contributors to the HLN art issue on Wed. Oct. 31 at 12:40, 55 Hyde. Bring your contributions.

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& GILBERT'S OUTLINES****BANKAMERICARD—****MASTER CHARGE**

October 23, 1973

Washington: Rep. Ronald V. Dellums (D.-Cal.) today announced he is actively seeking impeachment of President Nixon. Dellums is sponsoring impeachment resolutions introduced in the House

today by Reps. Jerry Waldie (D.-Cal.) and Bella Abzug (D.-N.Y.) and a separate resolution by members of the Democratic Study Group calling for the Judiciary Committee to investigate grounds for impeachment.

EXCLUSIVE INTERVIEW
WITH DONALD R. HOPKINS,
DISTRICT REPRESENTATIVE
FOR CONGRESSMAN
RONALD V. DELLUMS

By Dan Donovan, '75

Law News: "What is the feeling of Mr. Dellums' constituents at this time?"

Mr. Hopkins: "Unanimous for impeachment. There have been at least 50 phone calls--100% for impeachment. This morning, there were more than 100 telegrams on Mr. Dellums' desk in Washington--all for impeachment.

Memoranda of Phone Calls:

- (1) "I feel the President is taking the law into his own hands and that his actions are covering up criminal activity. I favor his impeachment."
- (2) "called to support the impeachment efforts"
- (3) 6 calls "for impeachment"
- (4) Many other memoranda not read by this reporter.

Law News: "A short while back Mr. Dellums proposed impeachment. What became of that?"

Mr. Hopkins: "It was tied into the war and thus a partisan issue--wouldn't separate law from politics."

Law News: "What, in your opinion, will Congress do now on the new impeachment proposals?"

Mr. Hopkins: (It's difficult to say....) "...the least the Congress will do is establish an independent prosecutor responsible only to the legislative branch."

Law News: "Does the impeachment issue deal only with the Water-gate tape controversy?"

Mr. Hopkins: "No, as Mr. Dellums states in his press release and as Senator Kennedy said on television this morning, the tape controversy is merely a peripheral issue which brings the crisis to a head."

Law News: "Are you optimistic?"

Mr. Hopkins: "Yes."

HASTINGS STUDENTS FACE BUDGET CRISIS!!!!

This year's ASH budget allocation amounts to about \$7,500. Hastings' organizations have submitted budget requests that total over \$22,000. As a result each organization may expect severe cuts -- an average of two-thirds reduction in requested funds. Each group of course resists cuts in its budget, feeling that its needs should take priority. The solution? Each student presently pays \$5 per year to the activity fund. The LAW NEWS concurs with the ASH Finance committee proposal to increase this amount to \$7.50 per student per semester.

**IMPEACHMENT
PETITION**

The response of the Hastings community in the face of Nixon's latest outrage of justice was expressed in a number of petitions all essentially calling for his impeachment. One requested you to sign as a California citizen, another was aimed directly at students and faculty of Hastings:

"We, the undersigned students and faculty of the University of California, Hastings College of the Law, San Francisco, California, hereby call you, the House of Representatives, Washington, D.C., to immediately begin impeachment proceedings against the President of the United States, Richard M. Nixon."

In less than two school days the above petition was signed by 590 people. It will be sent or presented by a Hastings representative to Carl Albert, the Speaker of the House of Representatives.

Students Get Vote

Friday, October 19 the faculty unanimously approved voting rights to student committee members. The vote pertained only to those committees where students presently sit. Still to be decided is whether or not students will be seated with or without votes on the Student Disqualifications Committee and the Faculty Appointments Committee.

The original restructuring proposal called for a four/three faculty/student ratio. The faculty however, voted to limit student membership to two persons per committee. The faculty has not yet decided the number of faculty members to sit on each committee.

Also undecided was the proposition that the four student body officers be permitted to be voting participants in the faculty meetings.

Time prohibited the faculty reaching a decision on the independent studies proposal.